

EXHIBIT 17

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,) 1:23-cv-00108-LMB-JFA
et al.,)
Plaintiffs,)
vs.)
GOOGLE LLC,)
Defendants.)
_____)

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VIDEOTAPED DEPOSITION OF
CHRISTOPHER KARPENKO
August 10, 2023
9:35 a.m.

Reported by: Bonnie L. Russo
Job No. 6031969

800-567-8658

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Videotaped Deposition of Christopher Karpenko
held at:
Paul, Weiss, Rifkind, Wharton & Garrison, LLP
2001 K Street, N.W.
Washington, D.C.

Pursuant to Notice, when were present on behalf
of the respective parties:

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APPEARANCES:
On behalf of the Plaintiffs:
JAMES RYAN, ESQUIRE
DAVID GROSSMAN, ESQUIRE
ALVIN CHU, ESQUIRE
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On behalf of the Defendant:
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APPEARANCES (CONTINUED):
Also Present:
Glen Fortner, Videographer
Michael Weaver, United States Postal Service

Also Present Via Remotely:
Julia Wood, DOJ
Sean Carman, DOJ
Katherine Clemens, DOJ
Jeannie S. Rhee, Paul, Weiss, Rifkind, Wharton
& Garrison, LLP

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1 January of 2023 regarding ad spend?

2 A. That may be difficult for me to
3 answer because the UM team is about media and
4 ad spend and it could encompass almost anything
5 tied to our advertising efforts.

6 Q. Is it a normal part of your daily
7 work -- is it a routine part in your work to
8 have a one-on-one conversation with Ms. Catucci
9 about ad spend?

10 A. It would not be an exception.

11 Q. Okay. And subsequent to January of
12 2023, have you requested information from
13 United -- Universal McCann based on a
14 conversation with your counsel?

15 A. I'm not sure -- I'm not sure about
16 the question. Could you help me.

17 Q. Yeah. After the complaint in this
18 case was filed in January of 2023, have you
19 made requests to Universal McCann for
20 information in order to participate in this
21 lawsuit?

22 MR. RYAN: Counsel, I'm going to

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1 object. That's calling for privileged -- it's
2 calling for privileged communication. I would
3 --

4 MS. GOODMAN: It is precisely the
5 same kind of testimony you've already permitted
6 him to provide. I am not asking for an
7 instance --

8 MR. RYAN: Well, that was a mistake
9 on my part.

10 MS. GOODMAN: -- I am asking a
11 yes-or-no question, which is whether he has
12 asked -- and I'll restate my question.

13 BY MS. GOODMAN:

14 Q. Mr. Karpenko, after January of 2023,
15 have you requested information from Universal
16 McCann as a result of a conversation with your
17 counsel?

18 A. I would say I have requested and
19 received various information from Universal
20 McCann both tied to privilege and not tied to
21 privilege.

22 MS. GOODMAN: We're going to move to

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1 compel on those communications too.

2 BY MS. GOODMAN:

3 Q. Prior to January of 2023 in the
4 course of your work at the United States Postal
5 Service, did you ever develop any concerns that
6 Google was engaging in anticompetitive conduct?

7 A. I was unaware of any anticompetitive
8 conduct from Google.

9 Q. And in the course of your work as a
10 -- the executive director for brand marketing
11 at the postal service, did you ever develop any
12 concerns that you paid super-competitive prices
13 for Google products?

14 A. Can you clarify the -- the question.

15 Q. Yeah. In the course of your work as
16 executive director for brand marketing and
17 participating as an advertiser in the
18 advertising space, did you ever develop any
19 concerns that the postal service was paying too
20 much money for products or services from
21 Google?

22 MR. RYAN: Object to the form.

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1 THE WITNESS: In my role I have a
2 responsibility for hundreds of millions of
3 dollars of budget, so I am always keeping top
4 of mind that we're spending our investments or
5 our moneys appropriately and getting the best
6 value for that.

7 So from a macro perspective, we're
8 always looking at trying to get the best value.

9 BY MS. GOODMAN:

10 Q. I appreciate that answer. And my
11 question is a bit more specific.

12 Understanding that context that
13 you're always trying to get the best value for
14 USPS ad spend, my question is: Did you ever
15 develop any concerns in the course of your work
16 as executive director for brand marketing that
17 the postal service was paying too much money
18 for products or services offered by Google?

19 A. So --

20 MR. RYAN: Object to form.

21 THE WITNESS: So whether it's Google
22 or another entity, we -- we have a fixed budget

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1 Q. And any other -- did he provide you
 2 -- other than putting all of his information on
 3 a share drive, did he provide you with any
 4 other information in connection with this
 5 lawsuit?

6 MR. RYAN: Just to the extent that
 7 it doesn't communicate -- this was not -- did
 8 not involve communications with counsel.

9 THE WITNESS: Nothing more that I'm
 10 aware of.

11 BY MS. GOODMAN:

12 Q. Than putting the information on a
 13 share drive before he left; is that accurate?

14 A. I don't recall him specifically
 15 giving me any additional information, other
 16 than making sure that he had his information
 17 put onto a drive.

18 Q. Got it.

19 MS. GOODMAN: I have no further
 20 questions for you at this time, Mr. Karpenko.
 21 I will reserve the remainder of my time for the
 22 questions that I was not permitted to ask the

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1 witness based on what we view as improper
 2 assertions of privilege.

3 So I'll hold the deposition open for
 4 the record and I will pass the witness.

5 MR. RYAN: Any questions? I would
 6 like to just note at this point, we would like
 7 -- it might be automatic, but just for the
 8 record, I just want to note that we want to
 9 designate the entire transcript -- treat it --
 10 have it treated as highly confidential for the
 11 time allotted in the protective order, to allow
 12 portions of the transcript to be -- the proper
 13 portions to be designated and any exhibits that
 14 are highly confidential.

15 MS. GOODMAN: Okay.

16 MR. RYAN: No questions for the
 17 witness.

18 MS. GOODMAN: Thank you,
 19 Mr. Karpenko.

20 THE WITNESS: Thank you.

21 THE VIDEOGRAPHER: This marks the
 22 end of the deposition of Mr. Karpenko. Going

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1 off the record at 19:05.

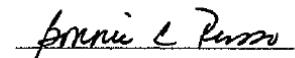
2 (Whereupon, the proceeding was
 3 concluded at 7:05 p.m.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Bonnie L. Russo, the officer before
 3 whom the foregoing deposition was taken, do
 4 hereby certify that the witness whose testimony
 5 appears in the foregoing deposition was duly
 6 sworn by me; that the testimony of said witness
 7 was taken by me in shorthand and thereafter
 8 reduced to computerized transcription under my
 9 direction; that said deposition is a true
 10 record of the testimony given by said witness;
 11 that I am neither counsel for, related to, nor
 12 employed by any of the parties to the action in
 13 which this deposition was taken; and further,
 14 that I am not a relative or employee of any
 15 attorney or counsel employed by the parties
 16 hereto, nor financially or otherwise interested
 17 in the outcome of the action.



18
 19 Notary Public in and for
 20 the District of Columbia
 21
 22 My Commission expires: August 14, 2025

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